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Crl.O.P.No.22242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22242 of 2024

H.Ramakrishnan

...Petitioner/Accused

Vs.

The State rep. by
The Inspector of Police,
EDFI, Team 1, CCB Vepery,
Chennai.
(Crime No.160 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail pending trial in C.C.No.9623 of 2021 on the file of the learned Metropolitan Magistrate for Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai.

For Petitioner : R.Sasikumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.07.2024, seeks bail in C.C.No.9623 of 2021, now pending trial before the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai. The charges have been framed against him under Sections 409 and 420 of the IPC @ 409, 420 r/w 109 and 34 of the IPC.

2. The case of the prosecution is that the petitioner sold the de facto complainant's property without the consent of the de facto complainant to a third party by forging documents and cheated to the tune of Rs. 1,25,00,000/-. Hence, the complaint.

3. Learned counsel for the petitioner submitted that bail granted by the Magistrate Court earlier had been cancelled and the petitioner was arrested on issuance of NBW; that thereafter, the petitioner had given undertaking in the mediation process that he would pay a sum of Rs. 75,00,000/-, and since he had paid Rs. 10,00,000/-, he was granted interim bail till 06.06.2024 in Crl.O.P.No.8131 of 2024 dated 18.04.2024;



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and thereafter, since the remaining amount was not paid by the petitioner, he was subsequently arrested on 17.07.2024. He prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner sold the de facto complainant's property without the consent of the de facto complainant to a third party by forging documents and cheated to the tune of Rs.1,25,00,000/-. He further submitted that since the petitioner has not paid the agreed amount in the mediation process, the bail granted earlier was cancelled and now he is in custody; that the trial is in progress and the L.W.1 was also examined. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, that already the petitioner was granted bail on condition to deposit some amount and



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he also deposited part of the amount and thereafter, due to his inability, he was unable to deposit the amount and thereafter, the bail was also cancelled and now the petitioner is in custody since 17.07.2024, that already the investigation was also completed, one of the main witnesses was examined and the trial is in progress, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned *Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai* and on further conditions that:

[a] the petitioner shall report before the trial Court on all working days at 10.30 a.m., until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly,



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make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

23.09.2024

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To

- 1.The Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai.
2. The Central Prison Puzhal, Chennai.



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3.The Inspector of Police,
EDFI, Team 1, CCB Vepery,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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